

# EXHIBIT D

STATE OF NEW YORK  
COUNTY OF ERIE : SUPREME COURT

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M.J. PETERSON, LLC,  
Plaintiff/Judgment-Creditor,  
vs.  
WILLIAM J. WAGNER Jr.,  
Defendant(s).

**INFORMATION SUBPOENA**  
**WITH RESTRAINING NOTICE**

Original Index No. B98134

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RE: WILLIAM J. WAGNER Jr., 5419 Roberts Rd., Hamburg, NY 14075, Judgment-Debtor(s)

**THE PEOPLE OF THE STATE OF NEW YORK**  
TO JUDGMENT-DEBTOR(S):  
WILLIAM J. WAGNER Jr.  
5419 Roberts Rd.  
Hamburg, NY 14075

**WHEREAS**, in an action in Buffalo City Court, Index No. B98134, (Assigned Judge-Hon. ), between the parties listed above, a Judgment was entered on **May 10, 2006**, in favor of said Judgment-Creditor and against the Judgment Debtor(s), WILLIAM J. WAGNER Jr., in the amount of \$1,437.15, of which \$2,570.17 remains due, plus interest at 9.00% from February 9, 2015.

**NOW, THEREFORE WE COMMAND YOU**, that you answer in writing under oath, separately and fully, each question in the questionnaire accompanying this Subpoena, each answer referring to the question to which it responds; and that you return the answers together with the original of the questions within seven (7) days after your receipt of the questions and this Subpoena.

**TAKE FURTHER NOTICE** that pursuant to subdivision (b) of §5222 of the Civil Practice Law and Rules, which is set forth herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property or pay over or otherwise dispose of any such debt, except as therein provided. This communication is from a debt collector. The debt collector is attempting to collect a debt, and any information obtained will be used for that purpose.

**CIVIL PRACTICE LAW AND RULES**

Section 5222(b) - Effect of restraint; prohibition of transfer; duration. A judgment debtor or obligor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he or she has an interest, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the judgment or order is satisfied or vacated. A

restraining notice served upon a person other than the judgment debtor or obligor is effective only if, at the time of service, he or she owes a debt to the judgment debtor or obligor or he or she is in the possession or custody of property in which he or she knows or has reason to believe the judgment debtor or obligor has an interest, or if the judgment creditor or support collection unit has stated in the notice that a specified debt is owed by the person served to the judgment debtor or obligor or that the judgment debtor or obligor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor or obligor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor or obligor, shall be subject to the notice except as set forth in subdivisions (h) and (i) of this section. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff or the support collection unit, except as set forth in subdivisions (h) and (i) of this section, and except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs. A judgment creditor or support collection unit which has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor or obligor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor or obligor in an amount equal to twice the amount due on the judgment or order, the restraining notice is not effective as to other property or money.

**TAKE FURTHER NOTICE THAT DISOBEDIENCE OF THIS RESTRAINING NOTICE OR FALSE SWEARING OR FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO FINE AND IMPRISONMENT FOR CONTEMPT OF COURT. NON-COMPLIANCE WITH THE INFORMATION SUBPOENA SHALL FIRST SUBJECT YOU TO THE PENALTIES UNDER CPLR 2308(b).**

Dated: February 9, 2015

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MELISSA OVERBECK  
Attorney for Judgment-Creditor  
14 LAFAYETTE SQ STE 1440  
BUFFALO, NY 14203  
Phone: (716) 838-4300  
Fax: (716) 204-9728

Our file number-20065569 ©

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STATE OF NEW YORK  
COUNTY OF ERIE : SUPREME COURT

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M.J. PETERSON, LLC,  
Plaintiff/Judgment-Creditor,

vs.

WILLIAM J. WAGNER Jr.,  
Defendant(s).

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**QUESTIONNAIRE**

STATE OF )  
COUNTY OF ) SS.:

\_\_\_\_\_, being duly sworn, deposes and says:

1. Where do you live (provide physical residence address) and with whom?  
A.
2. Do you own your home/residence or do you rent?  
A.
3. What is the bank/mortgagee's or landlord's name and address?  
A.
4. How much is the rent/mortgage?  
A.
5. For how long have you lived in the premises you now occupy?  
A.
6. What is your occupation or profession?  
A.
7. Are you engaged in business as an individual, partnership or corporate form? Describe and give name.  
A.
8. If employed, give your employer's name and address.  
A.
9. For how long have you worked with your present employer or business?  
A.
10. What wages or salary do you receive per year?  
A.
11. Are your wages or salary payable by check or in cash?  
A.
12. Do you receive any bonus or fringe benefit other than your salary? If so, describe.  
A.
13. Do you receive any income, rent, or any other payment from any other source, and if so, explain and provide amount, frequency, name and address of payor or source?  
A.

14. State the amount of income, rent, or any other payment have you received during each of the previous two years?  
A.
15. What amount of government or other assistance have you received during each of these two years?  
A.
16. Have you a bank, credit union, brokerage or other financial institution account? If so, where?  
A.
17. Provide the names and addresses where you have any accounts.  
A.
18. Have you closed any account within the preceding two years?  
A.
19. If so, give name and address of financial institution and amount on deposit at time account closed.  
A.
20. Are you married?  
A.
21. Are you separated from your spouse? If so, please state date of separation.  
A.
22. Is your spouse employed?  
A.
23. What wages or salary does your spouse receive, including amount and frequency?  
A.
24. Does your spouse receive any income, rent, or any other payment from any other source, and if so, provide amount and frequency?  
A.
25. How many children are living or supported by you, and what are their ages?  
A.
26. Do you own an automobile, ATV, boat or other motor vehicle? If so, describe.  
A.
27. Is it covered by any lien, conditional sales or other security agreement?  
A.
28. Where do you keep the automobile, ATV or boat?  
A.
29. Do you own any interest in real estate? If so, give details, including lienholder information.  
A.
30. Have you transferred any interest in real estate or other property within the last 6 years? If so, give details.  
A.
31. Do you own any stocks, bonds, mutual funds, other securities or life insurance? If so, describe.  
A.
32. Do you have any item of other personal property worth more than \$1,000.00? If so, describe.  
A.
33. Does anyone owe you money? If so, describe.  
A.

34. Are you entitled to any Federal or State income tax refunds? If so, describe.  
A.

35. Are you an officer, director or shareholder in any corporation? If so, describe.  
A.

36. Are you a trustee, executor or administrator under any will, insurance policy or trust? If so, describe.  
A.

37. Is any entity or person holding money or other property for you or on your behalf, including pawn or bailment? If so, describe.  
A.

38. Do you have any interest as beneficiary of any trust, life or other insurance, will or estate? If so, describe.  
A.

39. Are there any other judgments against you? Describe Plaintiff, Court, date and amount of judgment.  
A.

40. Is there any court order, income execution or wage assignment presently against your wages or has an installment payment order been granted directing you to make payments to any judgment creditor or other person? If so, explain fully.  
A.

41. Do you receive any money from others to help support yourself? If so, describe.  
A.

42. Are you or have you ever been a party to any lawsuit or civil action within the last 3 years? Describe.  
A.

43. Have you been involved in any automobile accident, or injured through any person's fault? If so, give the date of the accident or injury, the name of the insurance company, and the name of your attorney, if any.  
A.

44. Please state monthly amount you can offer to pay and date payments will commence. All payments to be made to CHIARI & ILECKI, LLP, 14 LAFAYETTE SQ STE 1440, BUFFALO, NY 14203, and are subject to periodic review/adjustment based upon financial circumstances.

Deponent is the recipient of an information subpoena herein, of the original and a copy of questions accompanying said subpoena and a prepaid self-addressed return envelope. Deponent has completely and truthfully answered each question herein. **(NOTE: Must be signed before Notary Public)**.

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Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 201\_\_.

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NOTARY PUBLIC

This communication is from a debt collector. The debt collector is attempting to collect a debt, and any information obtained will be used for that purpose.

Our file number-20065569 ©

STATE OF NEW YORK  
COUNTY OF ERIE : SUPREME COURT

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M.J. PETERSON, LLC,  
Plaintiff/Judgment-Creditor,  
vs.

**QUESTIONNAIRE**

WILLIAM J. WAGNER Jr.,  
Defendant(s).

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STATE OF )  
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\_\_\_\_\_, being duly sworn, deposes and says:

1. Where do you live (provide physical residence address) and with whom?  
A.
2. Do you own your home/residence or do you rent?  
A.
3. What is the bank/mortgagee's or landlord's name and address?  
A.
4. How much is the rent/mortgage?  
A.
5. For how long have you lived in the premises you now occupy?  
A.
6. What is your occupation or profession?  
A.
7. Are you engaged in business as an individual, partnership or corporate form? Describe and give name.  
A.
8. If employed, give your employer's name and address.  
A.
9. For how long have you worked with your present employer or business?  
A.
10. What wages or salary do you receive per year?  
A.
11. Are your wages or salary payable by check or in cash?  
A.
12. Do you receive any bonus or fringe benefit other than your salary? If so, describe.  
A.
13. Do you receive any income, rent, or any other payment from any other source, and if so, explain and provide amount, frequency, name and address of payor or source?  
A.
14. State the amount of income, rent, or any other payment have you received during each of the previous two years?  
A.

15. What amount of government or other assistance have you received during each of these two years?  
A.
16. Have you a bank, credit union, brokerage or other financial institution account? If so, where?  
A.
17. Provide the names and addresses where you have any accounts.  
A.
18. Have you closed any account within the preceding two years?  
A.
19. If so, give name and address of financial institution and amount on deposit at time account closed.  
A.
20. Are you married?  
A.
21. Are you separated from your spouse? If so, please state date of separation.  
A.
22. Is your spouse employed?  
A.
23. What wages or salary does your spouse receive, including amount and frequency?  
A.
24. Does your spouse receive any income, rent, or any other payment from any other source, and if so, provide amount and frequency?  
A.
25. How many children are living or supported by you, and what are their ages?  
A.
26. Do you own an automobile, ATV, boat or other motor vehicle? If so, describe.  
A.
27. Is it covered by any lien, conditional sales or other security agreement?  
A.
28. Where do you keep the automobile, ATV or boat?  
A.
29. Do you own any interest in real estate? If so, give details, including lienholder information.  
A.
30. Have you transferred any interest in real estate or other property within the last 6 years? If so, give details.  
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31. Do you own any stocks, bonds, mutual funds, other securities or life insurance? If so, describe.  
A.
32. Do you have any item of other personal property worth more than \$1,000.00? If so, describe.  
A.
33. Does anyone owe you money? If so, describe.  
A.
34. Are you entitled to any Federal or State income tax refunds? If so, describe.  
A.

35. Are you an officer, director or shareholder in any corporation? If so, describe.

A.

36. Are you a trustee, executor or administrator under any will, insurance policy or trust? If so, describe.

A.

37. Is any entity or person holding money or other property for you or on your behalf, including pawn or bailment? If so, describe.

A.

38. Do you have any interest as beneficiary of any trust, life or other insurance, will or estate? If so, describe.

A.

39. Are there any other judgments against you? Describe Plaintiff, Court, date and amount of judgment.

A.

40. Is there any court order, income execution or wage assignment presently against your wages or has an installment payment order been granted directing you to make payments to any judgment creditor or other person? If so, explain fully.

A.

41. Do you receive any money from others to help support yourself? If so, describe.

A.

42. Are you or have you ever been a party to any lawsuit or civil action within the last 3 years? Describe.

A.

43. Have you been involved in any automobile accident, or injured through any person's fault? If so, give the date of the accident or injury, the name of the insurance company, and the name of your attorney, if any.

A.

44. Please state monthly amount you can offer to pay and date payments will commence. All payments to be made to CHIARI & ILECKI, LLP, 14 LAFAYETTE SQ STE 1440, BUFFALO, NY 14203, and are subject to periodic review/adjustment based upon financial circumstances.

Deponent is the recipient of an information subpoena herein, of the original and a copy of questions accompanying said subpoena and a prepaid self-addressed return envelope. Deponent has completely and truthfully answered each question herein. (**NOTE: Must be signed before Notary Public**).

---

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 201\_.

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Our file number- 20065569©

STATE OF NEW YORK  
COUNTY OF ERIE : SUPREME COURT

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M.J. PETERSON, LLC  
vs.  
Judgment-Creditor,

**AFFIDAVIT OF SERVICE**  
Original Index No. B98134

WILLIAM J. WAGNER Jr.  
Defendant(s).

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STATE OF NEW YORK )  
COUNTY OF ERIE ) SS.:

\_\_\_\_\_, swears under penalty of perjury that I am over the age of 18 years, and not a party to this action, and I mailed a copy of the INFORMATION SUBPOENA, together with a copy and original of written questions, with a prepaid self-addressed return envelope, on the Judgment-Debtor(s), WILLIAM J. WAGNER Jr., 5419 Roberts Rd., Hamburg, NY 14075, on February 9, 2015, by certified mail, return receipt requested, addressed to the said Defendant(s) at the above-respective addresses.

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Sworn to before  
February 9, 2015

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NOTARY PUBLIC  
Our file number- 20065569©